

REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

Concerning the objections to the drawings in that the subject matter of Claims 7 and 14 is not disclosed therein, applicant has amended these claims to obviate the requirement for drawing corrections.

In particular, Claim 7 has been amended to indicate that the sealing surrounding area 27, which has the control openings 32, 33, 33.1 and 33.5 provided therein, includes these openings, which are essentially each of a generally kidney-shaped configuration. The term "spherical" has been eliminated inasmuch as the element 27 is essentially of a disk-shaped structure, as also described in the drawings, whereas the kidney-shaped control openings are clearly illustrated in Figure 3 of the drawings and described in the specification as such.

Similarly, in Claim 14, applicant has amended this claim to indicate that the end side 19 of the cylinder drum 4 and the sealing surrounding area 27 bearing thereon, are essentially disk-shaped.

Accordingly, this is also illustrated in Figures 1 and 2 of the drawings and described in the specification. Consequently, the elimination of the term "spherically" from respectively Claims 7 and 14, should meet the Examiner's requirements in that these claims are now fully supported by the specification and drawings rendering any drawing correction requirement to be moot.

Applicant further gratefully notes the Examiner's indication that at least Claims 5 and 13 are directed to allowable subject matter and would be allowed if either rewritten in independent form or incorporated into a dependent claim, so as to present allowable subject matter.

Accordingly, with regard to Claim 1, that particular claim has been amended to incorporate the subject matter of allowable Claim 5, thereby placing Claim 1 and Claims 2, 3, 4, 6 and 7 into order for allowance by being dependent upon an allowable main claim. In this connection, appropriate grammatical revisions have also been implemented to each of the claims to provide correct American spelling to various of the terms.

With regard to the rejection of Claim 8, applicant respectfully submits that this claim is deemed to be novel and inventive in view of the prior art as represented and particularly by Tovey, U.S. Patent No. 4,757,743, and the incorporation of Claim 13, which is allowable, into Claim 8, is deemed to be an unnecessary restriction of Claim 8.

With respect to the foregoing, applicant respectfully submits the following comments in traverse of the rejection of Claim 8, as being unpatentable over Tovey, as follows:

In contrast with the Examiner's comment, Tovey, U.S. Patent No. 4,757,743, does not disclose a rotary hydraulic machine in which the surface of the radially inner edge (29) of the control plate (44) is employed to center the control plate on a centering body, the latter of which is formed or fixed on the housing. Tovey fails to, in any manner, mention the function of centering the control plate, but only sets forth that the control plate, comprising a central opening, surrounds the shaft of the pump (Column 3, line 68 to Column 4, line 2). Moreover, Tovey also does not describe that the radial inner edge forming the centering surface (element 29 in present application), which corresponds in Tovey's patent with the edge identified by reference 66, and is composed of a plurality of partial surfaces (29.1 to 29.3) formed on segments (43.1 to 43.3) of the inner edge of the control plate which extends radially inwardly into the through-opening (38).

Figure 2 of Tovey even illustrates an element-surrounding shaft (22) that does not form a part of the control plate, but rather is constituted of a separate member. Since there is no mention in Tovey regarding a centering function, it is not logical to assume any specific implementation, such as the one disclosed and claimed in the present application.

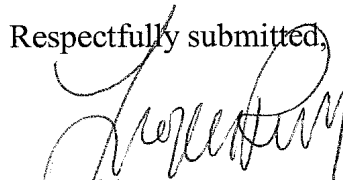
Tovey describes a rotary hydraulic machine in which pump port timing varies with operating conditions, whereby an important drawback of such machines, according to the state of the art, resides in that the control plate is of a high weight, inasmuch as it is, e.g., centered at its outer circumference, which requires a large outside diameter, and resultingly, a considerable weight.

A solution in obtaining the object of the invention is not provided for by Tovey since it neither implies a centering function of the control plate on the pump shaft, nor a centering function on a centering body, which is formed or fixed on the housing. Based on technical reasons, a centering on a rotating element would be quite disadvantageous as a cause for abrasion and also power reduction. Figure 2 of Tovey also indicates that a separate member is used for interconnecting the control plate with a centering body, whereas, to the contrary in the present invention, the contracting/centering surface is an integral part of the control plate, which facilitates for a more rapid assembly of the axial piston machine.

In summation, in view of the foregoing comments and amendments, the application is deemed to be in condition for allowance and the early and favorable reconsideration and issuance of the Notice of Allowance by the Examiner is earnestly solicited.

However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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